IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 28023 of 2006(S)

AGAINST THE ORDER IN O.S. 61/1999--RENUMBERED AS OP.712/2005 of FAMILY COURT, ALAPPUZHA

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PETITIONER:

SANTHA RADHA, AGED 60 YEARS,
W/O.LATE GOPALAKRISHNA PAI,
`ASHIRWAD' PADINJARA MADOM, PUTHIYACAVU MURI,
MAVELIKKARA VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.B.RENJITHKUMAR

RESPONDENTS:

SUJATHA SURSH KUMAR,
W/O.LATE SURESH KUMAR, KIDENGIL HOUSE,
COLLEGE ROAD, KOZHENCHERRY VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.S.MANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE PLAINT IN O.S.NO.61/1999 BEFORE THE SUB COURT, MAVELIKKARA

EXT.P2. TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER BEFORE THE SUB COURT, MAVELIKKARA DATED 3-4-2003

EXT.P3. TRUE COPY OF THE INTERIM REPORT FILED BY THE ADVOCATE COMMISSIONER DATED 4-10-2006

EXT.P4. TRUE COPY OF THE I.A.2260/2006 IN O.P.NO.712/2005 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, ALAPPUZHA

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & A.K.BASHEER,JJ.

W.P(C)No.28023 of 2006

Dated this the 9th day of January, 2007

JUDGMENT

Kurian Joseph,J.

Respondent is the plaintiff in O.S.No.61/1999 on the file of the Sub Court, Mavelikkara which was transferred to the Family Court, Alappuzha and renumbered as O.P.No.712/2005. The plaintiff claimed that the gold and gold ornaments kept in the locker operated in the name of her late husband and the petitioner herein belong to her. According to the petitioner herein the locker belongs to her late husband and it was jointly operated by them. It is also submitted that the ornaments kept in the locker are their exclusive property. It is seen that the petitioner has filed Ext.P4 application before the Family Court for transferring the suit back to the Sub Court, Mavelikara on the ground that the subject matter does not come under Section 7 of the Family Court Act, 1984. There will be a direction to the Family Court, Alappuzha to dispose of Ext.P4 application in accordance with law, after deciding on evidence as to whether the subject matter falls within

Section 7 of the Family Courts Act, 1984. Orders as above shall be passed within a period of three months from the date of receipt/production of a copy of this judgment. The interim order dated 26-10-2006 passed by this court, except for the purpose of consideration of the application as above, will continue till such time.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(A.K.BASHEER, JUDGE)

ahg.